

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 80620

Holabird Investments LLC
c/o Matthew Hornung R/A
6718 Holabird Avenue
Baltimore MD 21222

1929 Oxley Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 28, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids on residential property zoned DR 10.5 known as 1929 Oxley Road, 21222.

On July 7, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Multiple notices and citations have been issued to Respondent during 2010 for open dump conditions and improper storage of garbage. This Citation was issued on July 7, 2010.

B. This is an investment property. Photographs in the file show bagged garbage on the ground by the rear fence; a mattress and other junk in the rear yard by the fence; bagged garbage on the rear porch; and cans filled with garbage and not covered with lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Re-inspection on July 27, 2010 shows the violations corrected, with garbage cans with lids sitting on the rear porch. However, review of the file shows that the violations and cleanups have occurred multiple times during 2010, and prior Citations have been dismissed. This Citation will therefore be enforced; because compliance is the goal of code enforcement, the civil penalty will be reduced if re-inspection finds the violations have remained corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if re-inspections between the time of this Final Order and September 15, 2010 find the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer